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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF :

ANTHONY MONACO, D.D.S. :

Administrative Action

LICENCED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY :

CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry (hereinafter referred to as "Board") upon the receipt of a Report of Investigation ("Report") from the Enforcement Bureau, Division of Consumer Affairs, dated March 20, 1995, which appeared to disclose that dirty and unsanitary conditions existed in the dental office of Anthony Monaco, D.D.S. Specifically, the Report suggested that the operatories and rooms of the dental practice of Dr. Monaco were cluttered, dusty and dirty. Expired carpules of Lidocaine HCL 2% were present in one of the operatories. Further, the Report alleged, relying upon information received from an employee of the respondent, that Dr. Monaco does not perform any testing of the accuracy of the autoclave machine which is located in one of the operatory rooms within

his dental office. The Board finds that maintaining a dental office in such an unsanitary state constitutes professional or occupational misconduct pursuant to N.J.S.A. 45:1-21(e).

The respondent, Dr. Monaco, while neither admitting nor denying the alleged violation of maintaining a dirty and unsanitary dental office, seeks to resolve this matter. Therefore, in consideration of the Board's forbearance from the initiation of further litigation; and the parties being desirous of amicably resolving this matter without a finding or admission of liability; and it further appearing that the within resolution is in the public interest;

IT IS ON THIS ¹⁷ / 6 DAY OF ^{April} ~~SEPTEMBER~~ 1996,

HEREBY ORDERED and AGREED upon by the parties that:

1. Dr. Monaco, while neither admitting nor denying the alleged violation of maintaining a dirty and unsanitary dental office, shall continue to ensure that his dental office is to be cleaned and maintained in a sanitary condition and that he complies with all infection control procedures for the dental office, including, but not limited to, the following:

a. United States Centers for Disease Control (CDC) recommendations for universal precautions for the prevention of transmission of human immuno-deficiency virus, hepatitis B virus and other bloodborne pathogens in health care settings;

b. Occupational Safety and Health Administration (OSHA) regulations for occupational exposure to bloodborne pathogens (29 C.F.R. Part 1910.1030); and

c. The New Jersey Comprehensive Regulated Waste Management Act (N.J.S.A. 13:1E-48.1 et seq.) and the rules for regulated medical waste (N.J.A.C. 7:26-3A.1 et seq.)

I have read and understand
the within Order and agree
to be bound by its terms.
Consent is hereby given to
the Board of Dentistry to
enter this Order.

Anthony Monaco DDS
Anthony Monaco, D.D.S.

I hereby consent to the
form of this Order.

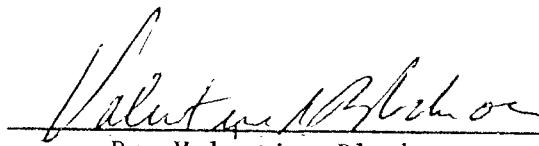
Robert Wright
Robert Wright, Esquire
Melli and Wright

2. Dr. Monaco has hereby consented to pay a civil penalty in the amount of One Thousand-Five Hundred (\$1,500.00) dollars to the Board. Payment shall be made by certified check or money order made payable to the State of New Jersey. The payment shall be submitted to Agnes Clarke, Executive Director of the Board of Dentistry, at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102, within thirty (30) days of the entry date of this Order.

3. Dr. Monaco has consented to have his autoclave, Kavaklave 2100, tested by an independent company and submit written proof to the Board, within thirty (30) days of the entry date of this Order, that the autoclave has tested satisfactorily. The costs and expenses incurred in the testing of the autoclave shall be borne by Dr. Monaco.

4. Dr. Monaco shall afford access to his dental office and shall submit to periodic and unannounced inspections by the Enforcement Bureau for the purpose of assuring the Board that he continues to maintain his office in sanitary condition and follows acceptable infection control procedures.

5. Dr. Monaco has hereby consented to pay the sum of \$1,143.48, which represents the costs of the investigation of this matter, to the Board by certified check or money order. This amount will be forward to Agnes Clarke, Executive Director of the Board of Dentistry, at the address listed above, within thirty (30) days of the entry of this Order.



Dr. Valentine Bloch
Vice-President
New Jersey State Board of Dentistry